



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

**Title:** Recommendation to approve the sale/consumption of alcoholic beverages on the public property within First Street Plaza subject to establishment obtaining a Sidewalk Café permit

**Presenter:** Mayor DeWitte

*Please check appropriate box:*

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council - New (5/2/11)
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	

Estimated Cost:	N/A	Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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If NO, please explain how item will be funded:

**Executive Summary:**

Mr. Sorrentino, the owner of Pizzeria Neo, 31 S. 1<sup>st</sup> Street, has requested permission to provide outdoor seating adjacent to his establishment. In order to accommodate Mr. Sorrentino’s request, a sidewalk café permit must be granted. Staff has reviewed the proposed seating/fencing plan and is prepared to issue said permit.

In addition, City code (5.08.300 Sale, Delivery, Consumption and Possession of Alcoholic Liquor on Public Property) requires that City Council approval be granted in order for alcoholic liquor to be sold, delivered, consumed and possessed on public property or public right-of-way. The 1<sup>st</sup> Street plaza is public property owned by the City of St. Charles.

**Attachments:** *(please list)*

Excerpt from City Code 5.08.300  
Proposed Plan for Outdoor Seating

**Recommendation / Suggested Action** *(briefly explain):*

Recommend that the City Council approve the sale/consumption of alcoholic beverages for Pizzeria Neo on the public property within the First Street Plaza subject to the establishment obtaining a Sidewalk Café permit pursuant to Section 12.04.102 of City Code and strict compliance with the site drawing.

*For office use only:*      *Agenda Item Number:* II

## ALCOHOLIC BEVERAGES

in pursuance of his or her employment.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1995-M-1 § 1; Ord. 1988-M-14 § 1; Ord. 1987-M-81 § 1; Ord. 1980-M-25 § 1(g); Ord. 1976-M-5 (part): prior code § 24.020.)

### **5.08.280 Peddling Alcoholic Liquor in City Prohibited.**

It is unlawful to peddle alcoholic liquor in the City.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5 (part): prior code § 24.013.)

### **5.08.290 Possession of Alcoholic Liquor in Motor Vehicle.**

No person shall transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle, except in the original package and with the seal unbroken.

(Ord. 2010-M-29 § 1; Ord. 2004-M-12 § 1; Ord. 1976-M-5(part): prior code § 24.027.)

### **5.08.300 Sale, Delivery, Consumption and Possession of Alcoholic Liquor on Public Property.**

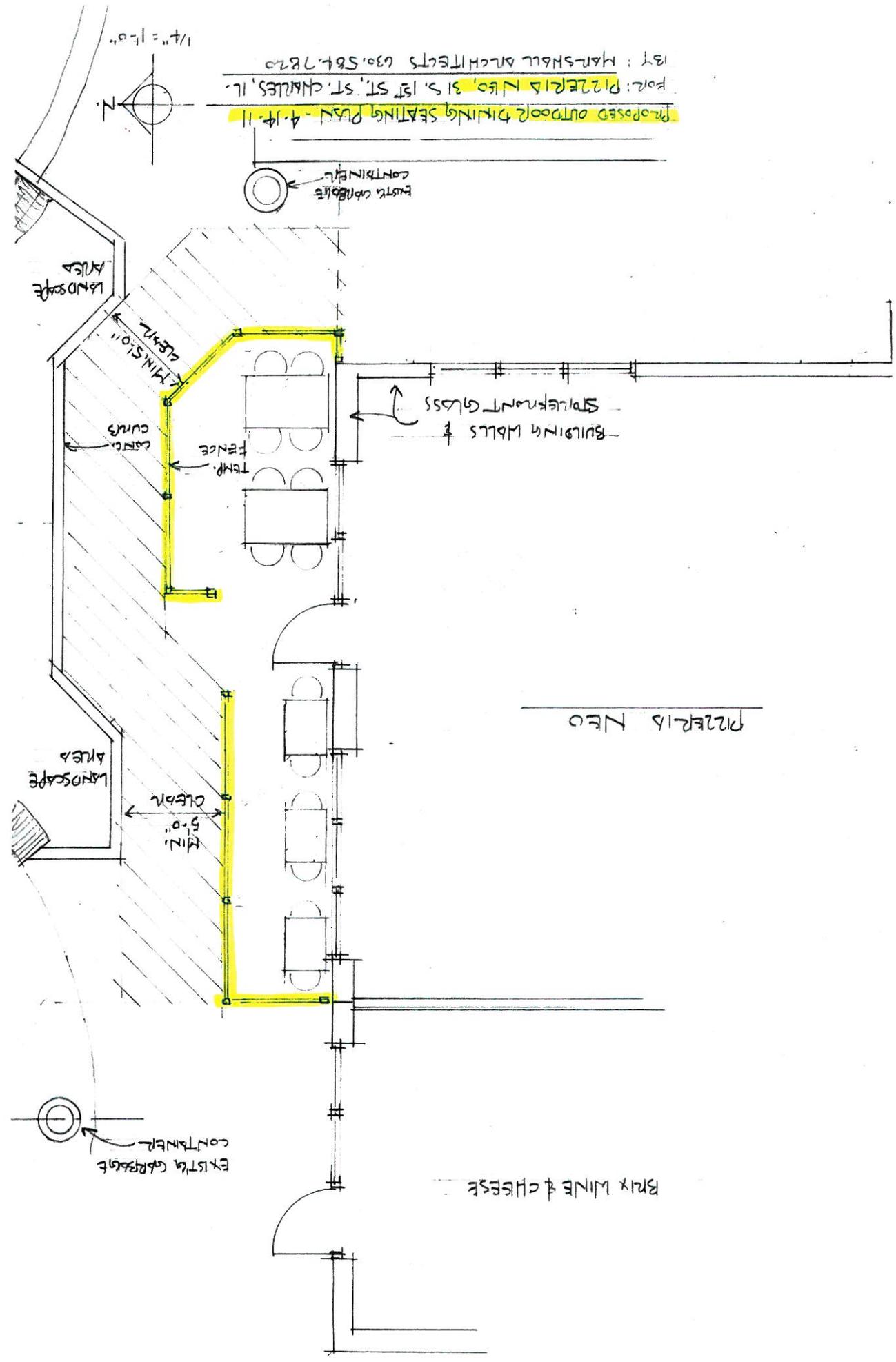
It is unlawful for any person to sell, deliver, consume or possess, except in original packages with seals unbroken, any alcoholic liquor upon any streets, sidewalk, alley or other public right-of-way and City property. However, upon approval of the City Council and the consent of the Local Liquor Control Commissioner, this section shall not apply to the premises of a Class E license issued pursuant to this chapter.

Notwithstanding the foregoing, alcoholic liquor may be sold, delivered, consumed and possessed on the public right-of-way adjacent to Class B licensed premises located within the First Street TIF District (described below), subject to: (a) approval of the City Council, (b) the premises obtaining a Sidewalk Café permit pursuant to Section 12.04.102 of this Code and (c) strict compliance with the site drawing (including conditions imposed by the Local Liquor Control Commissioner thereon) approved in conjunction with the issuance of the Class B license for said premises.

The First Street TIF District is described as follows: That part of the Northwest Quarter and the Southwest Quarter of Section 27, Township 40 North, Range 8, East of the Third Principal Meridian in the City of St. Charles, Kane County, Illinois described as follows: Beginning at the northeast corner of Block 44 in Original Town of St. Charles, said point also being the intersection of the south right-of-way line of Main Street (Illinois Route 64) and the westerly right-of-way line of 2<sup>nd</sup> Street (Illinois Route 31); thence easterly along said southerly right-of-way line to the west bank of the Fox River; thence southerly along said west bank to the southerly right-of-way line of Indiana Street; thence westerly along said southerly right-of-way line to the easterly right-of-way of 1<sup>st</sup> Street; thence southerly along the easterly right-of-way line of 1<sup>st</sup> Street to the northerly right-of-way line of Prairie Street; thence easterly along said northerly right-of-way line of Prairie Street to the northerly extension of the west line of Lot 5 in the Piano Factory of St. Charles Subdivision; thence southerly along the west line of said Lot 5 and the northerly extension thereof to the most southerly corner of said Lot 5; thence southwesterly along the extension of the southeasterly line of said Lot 5 to the westerly right-of-way line of 2<sup>nd</sup> Street (Illinois Route 31); thence northerly along said westerly right-of-way line of 2<sup>nd</sup> Street to the Point of Beginning.

Any person violating this section shall be fined seventy-five dollars (\$75.00) for the first offense and two hundred dollars (\$200.00) for each subsequent offense.

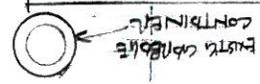
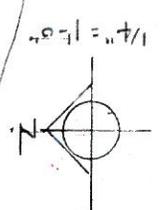
(Ord. 2010-M-67 § 1; Ord. 2010-M-36 § 1; Ord. 2010-M-29 § 1; Ord. 2008-M-43 § 1; Ord. 2007-M-75 § 1; Ord. 2004-M-12 § 1; Ord. 1982-M-62 § 1; Ord. 1976-M-5 (part): prior code § 24.039.)



PROPOSED OUTDOOR DINING SEATING PLAN - 4.14.11

FOR: PRZERLA NEO, 31 S. 1ST ST., ST. CHARLES, IL.

BY: MARSHALL ARCHITECTS 630.584.7820



EXIST CONTAINER

LANDSCAPE AREA

MIN. 5'-0" CLEAR

COND. CURBS

TEMP. FENCE

BUILDING WALLS & STRENGTH GLASS

PRZERLA NEO

LANDSCAPE AREA

MIN. 5'-0" CLEAR

EXIST'G GARAGE CONTAINER

BRAY WINE & CHEESE